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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,565	02/27/2002	Herve Chollet	219413US0XPCT	1849
22850	7590	06/24/2004		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CINTINS, IVARS C	
			ART UNIT 1724	PAPER NUMBER
DATE MAILED: 06/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

cf

## Office Action Summary

Application No.

10/069,565

Applicant(s)

CHOLLET ET AL.

Examiner

Ivars C. Cintins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5-7,9-11,13,14,17,18,21,22 and 36 is/are allowed.
- 6) ☒ Claim(s) 4,8,12,15,16,19,20,23-35 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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Upon reconsideration, the restriction requirement contained in the previous Office action is hereby withdrawn.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 8, 12, 15, 16, 19, 20, 23-32, 35 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terms “especially” (claim 4, lines 2 and 4; and claim 29, line 6), “possibly” (claim 4, line 3; and claim 35, line 2), “for example” (claim 8, line 3), “such as” (claim 20, line 2; claim 30, lines 3-4; claim 32, line 2; and claim 37, line 2), “preferably” (claim 23, line 3; claim 25, line 3; claim 26, line 7; and claim 27, line 3), and “[sic; or]” (claim 26, line 4) are vague, and indefinite as to the limitations intended. Also, the terms “chosen from” (claim 12, line 2; claim 15, line 2; and claim 28, line 2) and “chosen from among” (claim 16, line 2) are indefinite as to whether these terms are intended to be “open” (e.g. comprising) or “closed” (e.g. consisting of). Claim 19 is indefinite because it depends from itself. Claims 24 and 31 depend from indefinite claims, and are therefore themselves indefinite.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 96/11056. The reference discloses an installation comprising a column filled with chelating ion exchange resin formed from a polyazacycloalkane fixed on a support, means for passing a liquid

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through the column, means for introducing an acid into the resin containing column (see page 36, line 5), and means for heating the resin to 60° C (see Fig. 3); and this is all that is required by claim 33. The reference further discloses means for regenerating the resin (see page 36, line 16); and this is all that is further required by claim 35. Applicant should note that the 2 N nitric acid source of the reference is inherently capable of conditioning the resin at a pH of 4 to 6.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/11056 in view of Casolo (U.S. Patent No. 3,985,648). WO 96/11056 discloses the claimed invention with the exception of the additional ion exchanger treatment. Casolo teaches removing metal cations from a liquid with a chelating resin (see col. 4, lines 57-60), and further discloses subjecting this liquid to additional ion exchanger treatment prior to the chelating resin treatment (see Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of WO 96/11056 with the additional ion exchanger treatment of Casolo, in order to further purify the liquid undergoing treatment in this primary reference system.

Claims 1-3, 5-7, 9-11, 13, 14, 17, 18, 21, 22 and 36 are allowed because the references of record do not teach or fairly suggest conditioning a chelating resin of the type recited at a pH of 4 to 6 prior to its use in the recited manner. Claims 4, 8, 12, 15, 16, 19, 20, 23-32 and 37 would also be allowed if rewritten or amended to overcome the above rejection under 35 U.S.C. § 112.


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Gill et al. (U.S 4,931,553) discloses that it is known to adjust the pH of a polymeric liquid to a pH of 4.93 (i.e. between 4 and 6) with 2 N nitric acid (see col. 23, lines 48-49).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at (571) 272-1166.

The centralized facsimile number for the USPTO is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Ivars C. Cintins**  
**Primary Examiner**  
**Art Unit 1724**

I. Cintins  
June 22, 2004